

No. 22-16568 [Consolidated with Case No. 22-16079]

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

TATYANA LITVINOVA, individually, and on behalf of all those
similarly situated,

Plaintiffs-Appellants,

v.

CITY AND COUNTY OF SAN FRANCISCO

Defendant-Appellee.

On Appeal from the United States District Court
for the Northern District of California
No. 18-cv-01494-RS
Related No. 20-cv-7400-RS
Hon. Richard Seeborg, Chief District Judge

**LITVINOVA APPELLANTS' NOTICE OF JOINDER AND MOTION TO
JOIN IN SILLOWAY APPELLANTS' PETITION FOR PANEL
REHEARING AND REHEARING *EN BANC***

PROMETHEUS PARTNERS L.L.P.
Eduardo G. Roy, State Bar No. 146316
555 Montgomery Street, Suite 708
San Francisco, CA. 94111
415.527.0255
Eduardo.roy@prometheus-law.com

Attorneys for Plaintiffs and Appellants
Tatyana Litvinova, et al.

MOTION

Plaintiff and Appellant Tatyana Litvinova and 141 similarly situated, opt-in Plaintiffs-Appellants (“Litvinova Appellants”), hereby respectfully move this Honorable Court for an order permitting them to formally join in the Sillaway Appellants’ Petition for Panel Rehearing and Rehearing *En Banc* (“Petition”) for all purposes including the filing of a reply to any opposition to said Petition filed by Appellee.¹

The basis for this motion is that the Litvinova Appellants believed it was unnecessary to file a separate petition for rehearing given the identical nature of the issues and arguments that have been adequately addressed in the Sillaway Appellants’ pending Petition. The Litvinova Appellants agree with those arguments and desire to formally join in them for this record on appeal and to preserve their right to be heard, if necessary, in reply to any opposition filed by Appellee that could affect their substantive rights.

ARGUMENT

Ninth Circuit case law recognizes the right of co-parties to join in petitions for rehearing. *See, e.g., Frost v. Gilbert*, 835 F.3d 883, 886 (9th Cir. 2016); *U.S. v. Vasquez-Ramos*, 531 F.3d 987, 988 (9th Cir. 2008). Here, the appeals of the

¹ The Petition was filed on September 25, 2024, DktEntry: 61.

Litvinova Appellants and Sillway Appellants were consolidated due to the overlapping issues arising from the District Court's single judgment for Appellee. The interests of these appellants are clearly aligned, as is reflected by their opening and reply briefs. Therefore, to avoid unnecessary duplication of the more finite arguments raised in the Petition, the Litvinova Appellants made the prudent decision for all concerned to simply join in the Sillway Appellants' Petition rather than file their own petition. There could be no prejudice to Appellee or the Court from this procedure.

Accordingly, the Court is respectfully requested to grant this motion and permit the Litvinova Appellants to join in the Sillway Appellants' Petition for all purposes.

Respectfully Submitted,

PROMETHEUS PARTNERS L.L.P.

Dated: September 26, 2024

/s/ Eduardo G. Roy____

Eduardo G. Roy

